

TUESDAY, MAY 3, 1977

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

Chambers Tuesday evening May 3 A.D., 19 77, in
Special Session. President John Nuckols in the chair,
and Charles W. Westerman Clerk, at the desk, present the following

members _____ viz:

VIVIAN SCHMIDT ✓, STIER ✓, TALARICO ✓

ABSENT

COUNCILMAN _____, _____, _____,

The invocation was given by _____

Received report from the City Controller for the month of _____,
19 _____. Motion made and carried that report be made a matter of record and placed
on file.

The minutes of the last Regular _____, 19_____,

Special _____, 19____

Session having been delivered to the Council, were, on motion, approved and published.



CITY CLERK MEMORANDUM
CHARLES W. WESTERMAN, Clerk

To Mayor Robert E. Armstrong Date 4/28/77
From Charles W. Westerman
Subject Ordinance No. A-77-04-01

COPIES TO:

Through inadvertence there was transmitted to you Ordinance No. A-77-04-01 as originally submitted by this office. As you know, Council voted on April 26 to amend the ordinance that you submitted, and we therefore returned to you the amended ordinance as passed by Council on April 26, 1977, and asked that you substitute this for the erroneous submittal which was submitted to your office on April 27. You may therefore attach what we now sent you as the amended ordinance as passed by Common Council on April 26 to the erroneous submittal from our office on April 27 and return all papers in due course with your signature to the approval of the ordinance as amended.

Respectfully,

Charles W. Westerman

Charles W. Westerman
City Clerk

MADE A MATTER OF RECORD
DATE 5-3-77 CHARLES W. WESTERMAN, CITY CLERK

EMERGENCY APPROPRIATION ORDINANCE

WHEREAS, certain extraordinary emergencies have developed since the adoption of the existing annual budget, so that it is now necessary to appropriate more money than was appropriated in the annual budget; now therefore, to meet such extraordinary emergencies:

Sec. 1. Be it ordained by the Common Council of the City of Fort Wayne, Allen County, Indiana, that for the expenses of said municipal corporation the following additional sums of money are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same:

	<u>A-09-77</u> <u>(as amended)</u>		
BILL NO.	<u>A-77-04-01</u>	AMOUNT REQUESTED	AMOUNT APPROPRIATED
		<u>\$ 2,355,400.</u>	<u>\$ 2,355,400.</u>
		<u>\$ 2,569,900</u>	<u>\$ 2,569,900</u>

Please see attached memo

	<u>A-09-77</u> <u>(as amended)</u>		
BILL NO.	<u>A-77-04-01</u>	AMOUNT REQUESTED	AMOUNT APPROPRIATED
		<u>\$ 2,355,400.</u>	<u>\$ 2,355,400.</u>
		<u>\$ 2,569,900</u>	<u>\$ 2,569,900</u>

That the unexpended and unappropriated balance of the Revenue Sharing Trust Fund of the City of Fort Wayne is hereby reduced in the amount of \$2,569,900 ^{\$2,355,400}. The City of Fort Wayne is recipient of certain Federal money through the State and Local Fiscal Assistance Act of 1972 and this money has been set aside in a special Revenue Sharing Trust Fund and said monies are to be appropriated into the following various reserve funds. (see attached memo)

ADOPTED THIS 26th DAY OF April, 1977

AYES

NAYS

PAUL M. BURNS

William T Hinga WILLIAM T. HINGA

Fredrick R Hunter FREDRICK R. HUNTER

Winfield C. Moses Jr WINFIELD C. MOSES, JR.

John Nuckols JOHN NUCKOLS

Donald J. Schmidt DONALD J. SCHMIDT

Vivian G. Schmidt VIVIAN G. SCHMIDT

James S. Stier JAMES S. STIER

Samuel J. Talarico SAMUEL J. TALARICO

ATTEST

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

There is hereby appropriated out of the unexpended and unappropriated Revenue Sharing Trust Fund the sum of \$2,355,400.

TITLE

Board of Works -

Public Lighting	\$100,000	
Sewer Relief	250,000	
Street Resurfacing & Rebuilding	700,000	
Curbs, Sidewalk Construction	75,000	
Street Dept. Truck and/or Equipment	<u>45,000</u>	\$1,170,000

CD&P

Urban Homesteading	\$ 32,400	
Metropolitan Civic Community Center Site	<u>975,000</u>	\$1,007,400

Fort Wayne Art School

8,500

Humane Shelter - (Matching Funds)

50,000

Park Department

Senior Citizen Center	\$ 50,000	
Parking Lots & Roads-Foster, Shoaff & Memorial Parks	35,000	
Foellinger Sign	2,000	
FOLKUS	10,000	
New Lights - Franke Park - Ball Diamond	<u>12,500</u>	

\$ 109,500

Three Rivers Festival

\$ 10,000

\$2,355,400

BILL NO. A-77-04-01 (as amended)

APPROPRIATION ORDINANCE NO. A-09-77

AN ORDINANCE appropriating certain funds from the Revenue Sharing Trust Account to various reserve funds.

WHEREAS, the City of Fort Wayne is the recipient of certain Federal money through the State and Local Fiscal Assistance Act of 1972; and

WHEREAS, this money has been set aside in a special Revenue Sharing Trust Fund pursuant to said Act; and

WHEREAS, it is now necessary to appropriate said monies from the Revenue Sharing Trust account to the following various reserve funds, to-wit:

<u>TITLE</u>	<u>AMOUNT</u>
Board of Aviation - Smith Field	\$ 100,000
Board of Works -	
Public Lighting	\$100,000
Sewer Relief	250,000
Street Resurfacing & Rebuilding	700,000
Curbs, Sidewalk Construction	75,000
Street Dept. Truck and/or Equipment	45,000
	<u>\$1,170,000</u>
CD&P -	
Urban Homesteading	32,400
Metropolitan Civic Community Center Site	<u>\$975,000</u>
	<u>\$1,007,400</u>
Police Department -	
Police Vice Squad - Buy Money	\$ 17,500
Fort Wayne Art School	\$ 8,500
Humane Shelter - (Matching Funds)	\$ 50,000

APPROVED AS TO FORM
AND LEGALITY _____

Park Department -

Senior Citizens Center	\$ 50,000	
Parking Lots & Roads-Foster,		
Shoaff & Memorial Parks	35,000	
Foellinger Sign	2,000	
FOLKUS	10,000	
New Lights-Franke Park-		
Ball Diamond	<u>12,500</u>	
		\$ 109,500

~~Personnel - Summer Youth~~

~~\$ 100,000~~

Three Rivers Festival

\$ 10,000

~~\$2,569,900~~

\$2,355,400

WHEREAS, approval must be given by the appropriating body of each municipal corporation for the use of such funds for the purposes specified.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That there is hereby appropriated out of the unexpended and unappropriated Revenue Sharing Trust Fund the sum of \$2,355,400 into:

<u>TITLE</u>	<u>AMOUNT</u>
Board of Aviation - Smith Field	\$ 100,000
Board of Works -	
Public Lighting	\$100,000
Sewer Relief	250,000
Street Resurfacing & Rebuilding	700,000
Curbs, Sidewalk Construction	75,000
Street Dept. Truck and/or Equipment	<u>45,000</u>
	\$1,170,000

CD&P -

Urban Homesteading	32,400	
Metropolitan Civic Community Center Site	<u>\$975,000</u>	
		\$1,007,400

~~Police Department -~~

~~Police Vice-Squad - Buy Money -~~ ~~\$ 14,500~~

Fort Wayne Art School \$ 8,500

Humane Shelter - (Matching Funds) \$ 50,000

Park Department -

Senior Citizens Center	\$ 50,000	
Parking Lots & Roads-Foster		
Shoaff & Memorial Parks	35,000	
Foellinger Sign	2,000	
FOLKUS	10,000	
New Lights-Franke Park-		
Ball Diamond	<u>12,500</u>	\$ 109,500

Personnel ~~Summer Youth~~ \$ 100,000

Three Rivers Festival \$ 10,000

\$2,560,900
\$ 2,355,400

SECTION 2. That the unexpended and unappropriated balance of the Revenue Sharing Trust Fund of the City of Fort Wayne is hereby reduced in the amount of \$2,560,900 ^{\$ 2,355,400}.

SECTION 3. That the City Controller is hereby directed to provide every member of this Council with a copy of his reports to the Secretary of the Treasury as provided in the State and Local Fiscal Assistance Act of 1972.

SECTION 4. That the Mayor of the City of Fort Wayne is hereby requested and charged to personally review and insure that each and every encumbrance and expenditure of this money is in compliance with the intent of this Council as specifically outlines in this Ordinance.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

William T. Hingwa

Councilman



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

May 2, 1977

TO: Mr. John Nuckols, President
THE COMMON COUNCIL OF THE CITY OF FORT WAYNE

I have received Bill A-77-04-01, Appropriation Ordinance A-09-77, which appropriates 1977 Revenue Sharing funds. The ordinance which was prepared for my signature differs from published reports of the action which was taken on this ordinance at the Council meeting of April 26, 1977.

I was of the impression that Council had amended the ordinance that I submitted; however, the ordinance which was sent to me for signature on Wednesday, April 27, 1977, has not been amended and is the original ordinance that I submitted to you intact.

City Attorney William Salin has advised me that the ordinance which is in my possession is the only valid ordinance dealing with the appropriation of Revenue Sharing funds. He has assured me that my signature on this ordinance would allow the City to spend Revenue Sharing dollars as I recommended. It is not my desire, however, to circumvent the will of the Council on what appears to be a technical error, and I am willing to work with Council to correct this document so that the expenditure of Revenue Sharing funds will reflect Council's priorities as well as my own. Unfortunately, the City Attorney advises that any changes in the document which I have received must be made by the Council as a whole, and not by any individual.

Therefore, I am anxious to meet with Council to correct the error in this ordinance. It goes without saying that such a meeting with Council and myself must take place in the very near future. As a convenience to you and the Council, I am willing to meet with you at the beginning of your session this week for the purpose of correcting errors in Ordinance A-09-77 as submitted to me. Therefore, I shall appear before you with this ordinance at 7:30 p.m. on Tuesday, May 3, 1977.


Robert E. Armstrong
Mayor

REA:ip



#3

May 2, 1977

Hon. Robert E. Armstrong, Mayor
City of Fort Wayne
City-County Bldg.
Fort Wayne, Indiana

Dear Mayor Armstrong:

I have received and noted the content of your letter of May 2, 1977.

You are correct in your impression that Council had amended Appropriation Ordinance No. A-09-77, which appropriates 1977 Revenue Sharing Funds.

In order that the record may be set straight on the passing and transmittal to you of this Ordinance, we emphasize that on April 26, 1977 the Common Council did in fact amend said Ordinance No. A-09-77 by striking therefrom the following:

Board of Aviation - Smith Field in the
amount of \$100,000;

Police Department, Police Vice Squad,
Buy Money \$14,500;

Personnel - Summer youth \$100,000.

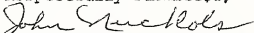
Upon discovering on April 27, 1977 that the wrong Ordinance had been taken up to your office the Common Council Secretary, Mrs. Natka Eschoff, talked to Mrs. Ilo Patten and Mr. David Beers of your office. Mrs. Eschoff was informed that when Ordinances are received in your office they are locked up and therefore the Ordinance could not be returned in exchange for the corrected Amended Ordinance.

On Thursday morning, April 28, 1977, well before you had returned to the City of Fort Wayne, Mr. Charles W. Westerman, City Clerk, sent your office a copy of the vote sheet showing deletions of the \$100,000 from Board of Aviation - Smith Field, \$14,500 from the Police Vice Squad Buy-money, and \$100,000 from Personnel - Summer Youth. His letter again explained the amendment and asked you to attach what Council now sends you as the Ordinance passed by the Council on April 26, 1977 and to return same in due course to Common Council, with your action noted thereon. Of course, at this point you could

exercise your prerogative as to approval or disapproval of the Ordinance as amended.

Accordingly, I hand you herewith the original of the vote sheet showing the amendment of the Ordinance and the deletions of the aforementioned three matters totaling a deletion of \$214,500 and respectfully request your action on the Amended Ordinance. Please return to Charles Westerman, City Clerk, the original Ordinance, the Amended Ordinance and Vote Sheet along with your approval to disapproval thereof. Thank you.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John Nuckols".

JOHN NUCKOLS, President
of Common Council



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

May 3, 1977

**NOTICE: CALL OF SPECIAL MEETING OF THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE BY MAYOR ROBERT E.
ARMSTRONG**

TO: Charles Westerman, City Clerk
City of Fort Wayne

You are hereby commanded to prepare and serve notice on all members of the Common Council of the City of Fort Wayne of a Special Meeting of said Council, called by Mayor Robert E. Armstrong, to be held on Tuesday, May 3, 1977, at 7:00 p.m. in Room 128 of the City/County Building.

The purpose of this Special Meeting shall be only for the consideration of Resolution #3623, attached hereto and made a part hereof, and is to be made a part of the notice.


Robert E. Armstrong
Mayor

REA:ip
Attachment

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2
3 BILL NO. R-77-05-01
4

5 RESOLUTION NO. R-3623

6 A RESOLUTION authorizing deletions to
7 Appropriation Ordinance A-09-77 by the
8 Finance Chairman of the Common Council
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10 WHEREAS, on April 26, 1977, the Common Council con-
11 sidered Appropriation Ordinance A-09-77, and

12 WHEREAS, during the discussion and consideration of said
13 Appropriation Ordinance approval of the deletions of certain portions
14 was passed and the total appropriated adjusted, and

15 WHEREAS, the Appropriation Ordinance was passed by the
16 Common Council, signed by its Finance Chairman, and transmitted to
17 the Mayor for his consideration by the City Clerk, indicating that the
18 Appropriation Ordinance was passed by the Common Council without
19 amendment, and
20

21 WHEREAS, it was the intent of the Common Council to
22 present to the Mayor of Fort Wayne Appropriation Ordinance A-09-77 in
23 amended form, deleting Page 2, Line 21, Board of Aviation - Smith
24 Field \$100,000; Page 2, Line 32, Police Department - Police Vice
25 Squad - Buy Money \$14,500; and Page 3, Line 9, Personnel - Summer
26 Youth \$100,000; and the total amount of the entire Appropriation Ordi-
27 nance adjusted to reflect \$2,355,400 appropriated,
28

29 NOW, THEREFORE, BE IT RESOLVED BY THE COMMON
30 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

31 That Appropriation Ordinance A-09-77 be returned to the
32 Common Council by the Mayor of Fort Wayne and that Page 2, Line 21,
33 Board of Aviation - Smith Field \$100,000; Page 2, Line 32, Police
34
35

1 Department - Police Vice Squad - Buy Money \$14, 500; and Page 3,
2 Line 9, Personnel - Summer Youth \$100, 000 be stricken and deleted
3 and the total amount of the Appropriation Ordinance be adjusted to
4 reflect the \$2, 355, 400 appropriated and said deletions and adjustment
5 be signed by Council Finance Chairman, and that said Appropriation
6 Ordinance be re-presented by the City Clerk to the Mayor of the City
7 of Fort Wayne for his consideration.
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President of the Common Council



City Clerk Memorandum

CHARLES W. WESTERMAN, Clerk

To Common Council Members

Date May 3, 1977

From Charles W. Westerman, Clerk of the City of Fort Wayne

Subject SPECIAL MEETING

COPIES TO:

P. Burns
B. Hinga
F. Hunter
W. Moses
J. Nuckols
D. Schmidt
V. Schmidt
J. Stier
S. Talarico

Pursuant to law of the State of Indiana IC 1971, 18-1-3-2, I, Charles W. Westerman, Clerk of the City of Fort Wayne, in compliance with the above mentioned law and Chapter 2, Section 16 of the Municipal Code, you are hereby commanded to appear in Special Session called by the Mayor of Fort Wayne, Robert E. Armstrong.

Said Resolution, Bill No. R-77-05-01, will be considered by the members of the Fort Wayne City Council. This Resolution is authorizing deletions to Appropriation Ordinance No. A-09-77 by the Finance Chairman of the Common Council.

Said meeting will be called as follows:

Upon this call of the Mayor of the City of Fort Wayne, I, Charles W. Westerman, Clerk, hereby call a Special Meeting of the Common Council of the City of Fort Wayne, to be held on Tuesday, May 3, 1977, at 7 P.M., E.S.T. Said meeting will take place in the Chambers of the Common Council, Room 126, City-County Bldg.

Said notice is hereby served on you by the Sergeant-At-Arms of the Common Council and shall be hand delivered.

Charles W. Westerman
Charles W. Westerman
Clerk of the City of Fort Wayne

Myron R. Norton
Witness (Sergeant-At-Arms)

5-3-77
DATE

MADE A MATTER OF RECORD
CHARLES W. WESTERMAN, CITY CLERK

I, hereby certify and receipt that I have received the notice of a
Special Session of the Common Council to be called on May 3, 1977, 7:00 P.M.,
pursuant to the law of the State of Indiana and Ordinance of the
City of Fort Wayne

Charles W. Westerman
Charles W. Westerman
Clerk of the City of Fort Wayne

(PRIVATE SECRETARY)

13:55 P.M. Cheryl R. Prince for
Fredrick B. Hunter

14:40 P.M.

D. Schmidt

14:10 P.M. Bruce R. Steyer for
James A. Smith

15:02 P.M.

William I. King

14:19 P.M. Samuel J. Talarico
Samuel J. Talarico

15:55 P.M.

John A. Burns

14:40 P.M. Viriam G. Schmidt

John Nichols

14:40 P.M. Willard V. R.

Delivered This date
by Officer T. Tyler
#59 F.W.P.D.


CLERK'S CERTIFICATION

I, Charles W. Westerman duly elected City Clerk and Clerk of the Common Council of the City of Fort Wayne, do hereby certify that on the 3rd day of May, 1977, pursuant to the command of Robert E. Armstrong, Mayor of the City of Fort Wayne, Indiana, a call for a special meeting was performed by me pursuant to I.C. Code and the 1974 Municipal Code of the City of Fort Wayne for May 3, 1977, at 7:00 o'clock P.M., Room 126 Council Chambers. The purpose of this meeting was to have Resolution No. R-77-05-01, be placed before Common Council for action.

Said Bill No. R-77-05-01, was declared not valid by the President of Common Council due to the lack of Approval as to form and legality by the City Attorney.

Upon this declaration, Councilman William T. Hinga, Chairman of the Standing Committee on Finance and Councilman of the 3rd District made a motion for adjournment. The motion was seconded by Winfield C. Moses, Jr., Councilman of the 5th District. Adjournment was so declared by John Nuckols, President of the Common Council.

ATTEST:



Charles W. Westerman

Charles W. Westerman, Clerk of the
Common Council

John Nuckols


John Nuckols, President of Common
Council

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Special Session, held on Tuesday the 3rd day of May, 19 77 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 3rd day of May, 19 77.



Charles W. Westerman
City Clerk